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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,514	10/23/2000	Timothy M. Moore	205724	9639

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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/694,514	MOORE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11,16-28 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11,16-28 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/2001&amp;07/2002</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. In response to the Restriction Requirement of September 22, 2004 Applicant has elected, without traverse, Group I (claims 1-11, 16-28 and 33-36) for further examination.
2. **Claims 1-11, 16-28 and 33-36** have been examined.

#### ***Information Disclosure Statement PTO-1449***

3. The Information Disclosure Statement submitted by applicant on 05/07/2001 and 07/22/2002 have been considered. Please see attached PTO-1449.

#### ***Claim Objections***

4. **Claims 12-15 and 29-32** are objected to because of the following informalities:
  - The status of claims 12-15 and 29-32 are indicated as "withdrawn" claims.Examiner suggests cancellation of claims 12-15 and 29-32 in response to this office action in order to meet the requirement set forth by the phrase "without traverse" in Applicant's response on page 12 dated 11/22/2004.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. **Claim 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the "in response performing the obtaining step" phrases makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the "in response performing the obtaining step" phrases.

7. **Claim 6** recites the limitation "the obtaining step" in the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-9, 16, 20-26 and 33** are rejected under 35 U.S.C. 102(b) as being anticipated by Diffie et al (5,371,794 A).

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**As per claims 1, 16, 20, 21 and 33** Diffie et al (5,371,794 A) disclose method, computer readable medium having computer executable instructions for providing a mobile computing machine with privileged access to a computing resource, the method comprising the steps of:

obtaining a certificate with a unique machine identifier to facilitate authenticating an identity of the mobile computing unit; providing the certificate to an authenticator to prove the machine identity. the authenticator controlling access to the computing resource; and establishing access to the computing resource using authorization information obtained from the authenticator, the authorization information corresponding to the authenticated identity of the mobile computing unit ( see abstract; fig.5a,fb and associated text that disclose the above limitations; also the method is being used between two parties; col.2, lines 38-67; col.3-5).

**As per claims 2-9 and 22-26** Diffie et al (5,371,794 A) disclose method, computer readable medium having computer executable instructions for wireless link, having mobile identifier, log-in features, given access to resources, having symmetric/asymmetric key, storing the certificate in the mobile unit (see fig. 1-5b and associated text).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) patent may not be obtained though the invention is not identically disclose or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 10-11, 17-19, 27, 28 and 34-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Diffie et al (5,371,794 A) in view of Ramasubramani et al (6,233,577 B1).

**As per claims 10-11, 17-19, 27, 28 and 34-36** Diffie et al (5,371,794 A) teach all limitation of the claims as applied above but do not expressly disclose using a domain controller for obtaining the certificate where the URL address is being used for receiving and sending data. However Ramasubramani et al (6,233,577 B1) disclose using a domain controller for obtaining the certificate where the URL address is being used for receiving and sending data (see fig.2 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ramasubramani domain controller having URL in Diffie's mobile authentication method and system in order to use the computing resources in a server device to carry out the task of obtaining and maintaining certificates asynchronously in the proxy server using HTTP, HTML. (see abstract; and fig.2 in support of the motivation).

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. US (6,571,221 B1) teach network communication service with an improved subscriber model using digital certificate.

U.S. Patent No. US (6,643,774 B1) teach authentication method.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kambiz Zand

12/23/04

AU. 2132